

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
vs.
LAVANCE COOPER,
Defendant-Appellant.

No. 24-1998

DEFENDANT-APPELLANTS
RESISTANCE TO
GOVERNMENT'S MOTION TO
DELAY MANDATE

COMES NOW, Appellant LaVance Cooper, through counsel, and resists the Government's motion to delay the mandate issued by this Court. Appellant's conviction and prison sentence was set aside by this Court in an opinion filed on February 5, 2025. This Court also issued an order remanding the case to the district court for further consideration of Defendant's motion to dismiss the Indictment. This order was also filed on February 5, 2025.

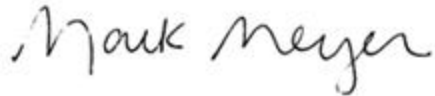
The Government subsequently requested two extensions to file for rehearing. Although Mr. Cooper remains incarcerated in a federal prison, Appellant did not resist those requests with the expectation that a motion for rehearing would be ruled upon expeditiously. Now, on this

date, the Government has advised the Court that it will not be seeking rehearing but may file for a writ of certiorari.

Appellant asserts that a further delay in implementing the mandate of this Court is not justified, particularly because it has foregone the opportunity to set forth grounds to set aside the opinion in an application for rehearing in this Court. Moreover, the Government has not committed to ever seeking review of this Court's opinion. Mr. Cooper should not have to continue to wait for the district court to comply with this Court's order to reconsider his motion to dismiss the charges filed under 18 USC § 922 (g)(3). To that end, Mr. Cooper has today filed in district court a motion requesting that the district court order Mr. Cooper released from federal prison and for the Marshals to transport him to the Northern District of Iowa for further proceedings consistent with the directions and mandate of this Court.

WHEREFORE, Appellant resists the Government's belated motion to delay the mandate.

Respectfully submitted,



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CERTIFICATE OF SERVICE

A copy of this document was served by ☐ mail, ☐ facsimile, ☐ hand-delivery ☒ electronic filing on 3/20/2025 upon all counsel of record in this case.



CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT, TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS

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☒ This document complies with the word limit of FRAP 27(d)(2) because, excluding the parts of the document exempted by FRAP 32(f), this document contains 428 words.

2.Typeface and Type-Style

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Mark Meyer

Attorney for LaVance Cooper.

Dated: 3/20/2025